

A. G. Contract No. KR92-1449-TRN
ECS File: JPA 92-69
Project: 101L MA 55 H 2219 02C
RAM 600-1-517
Section: 101-L Jct. SR-360 TI
City of Tempe No.: C92-112

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TEMPE

THIS AGREEMENT is entered into 7 October, 1992,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF TEMPE, acting by and through its CITY COUNCIL (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and City Charter Section 103 to enter into this
agreement and has by resolution, a copy of which is attached
hereto and made a part hereof, resolved to enter into this
agreement and has authorized the undersigned to execute this
agreement on behalf of the City.

3. Incident to the State's construction of the Pima -
Superstition traffic interchange (101-L Jct. SR-360 TI) it is
necessary to construct and landscape a sloped berm for
placement of a block privacy wall, as shown on Exhibit "A",
attached hereto and made a part hereof, which will encroach
upon a portion of Ehrhardt Park, owned by the City, hereinafter
referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>17147</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10/07/92</u>
<u>Richard Mahoney</u> Secretary of State
By <u>[Signature]</u>

II. SCOPE OF WORK

1. The State will:

a. By change order to its existing contract, provide to the State's contractor, design plans, specifications and such other documents and services necessary for construction of the Project.

b. Administer construction of the Project and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation attributable to the State.

c. Upon completion, approve and accept the Project on behalf of the parties hereto.

d. Issue a permit to the City for access for maintenance of the Project.

2. The City will:

a. Review the design documents and provide comments as appropriate.

b. Issue the State, or the State's contractor as applicable, a temporary construction easement for the Project. Be responsible for any contractor claims for extra compensation attributable to the City.

c. Upon completion and acceptance by the State, be responsible for all maintenance associated with the completed Project.

d. Request the State's concurrence of any planned alterations or modifications to the Project during or after completion.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E Room 222E
Phoenix, AZ 85007

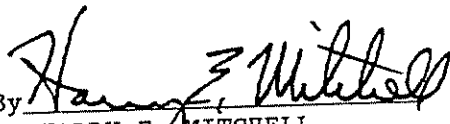
City of Tempe
City Manager
Box 5002
Tempe, AZ 85281

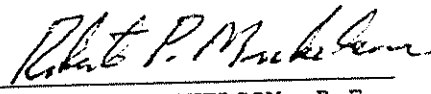
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

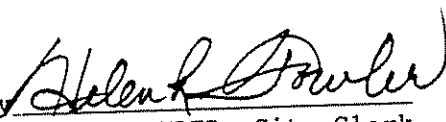
CITY OF TEMPE

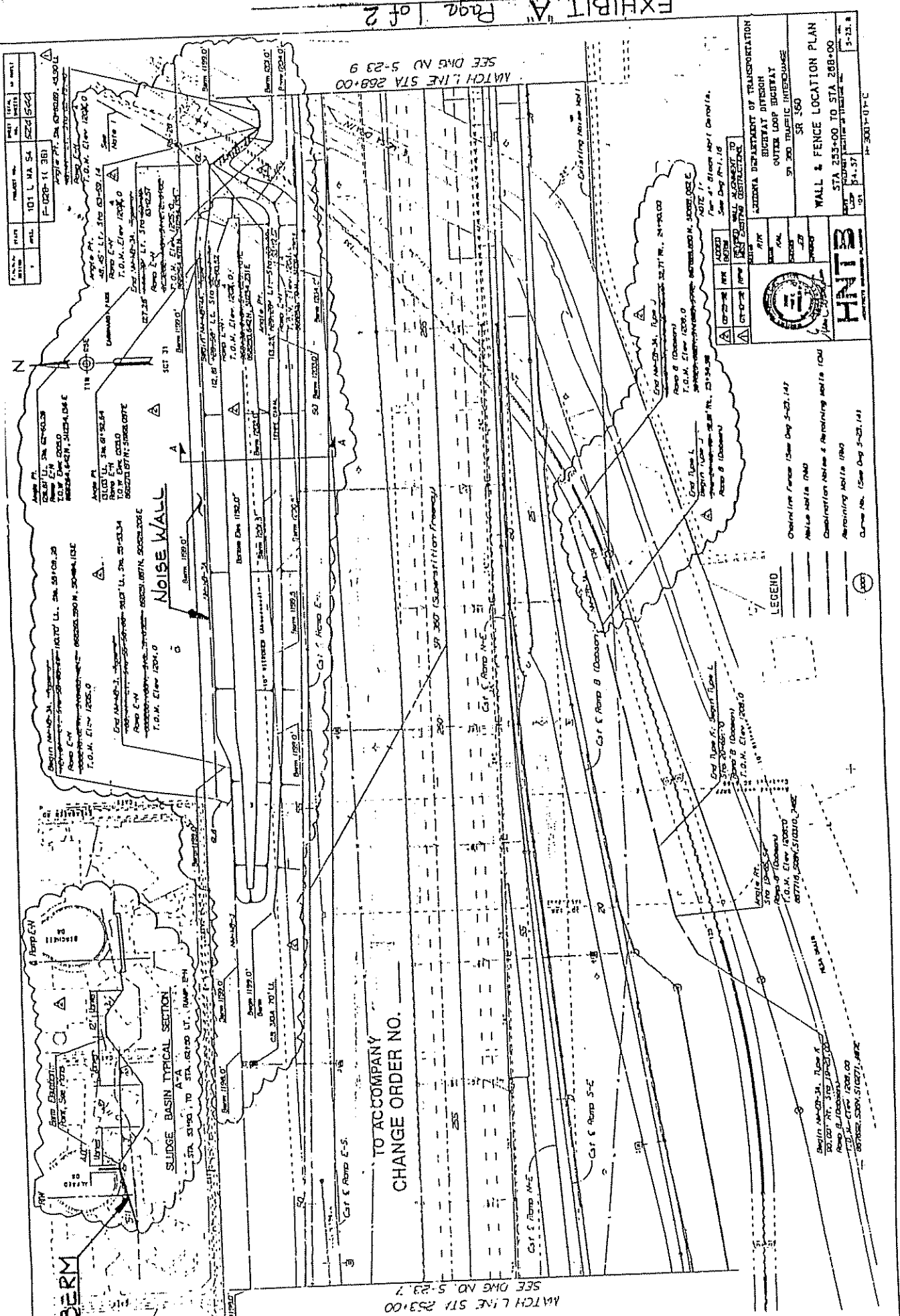
STATE OF ARIZONA
Department of Transportation

By 
HARRY E. MITCHELL
Mayor

By 
ROBERT P. MICKELSON, P.E.
Deputy State Engineer

ATTEST

By 
HELEN FOWLER, City Clerk



SEE DWG NO. 5-23.7
MATCH LINE STA 253+00

TO COMPANY
CHANGE ORDER NO. _____

SEE DWG NO. 5-23.9
MATCH LINE STA 258+00

LEGEND

Symbol	Description
(Symbol)	Centerline of Road
(Symbol)	Right-of-Way Line
(Symbol)	Proposed Noise Wall
(Symbol)	Existing Noise Wall
(Symbol)	Grading Noise Wall
(Symbol)	Grading Noise Wall
(Symbol)	Grading Noise Wall

NOTES

1. All dimensions are in feet unless otherwise noted.
2. All materials to be used shall be of standard quality.
3. All construction shall be in accordance with the latest edition of the Standard Specifications for Highway Construction.
4. All work shall be completed by the date specified in the contract.
5. All work shall be done in accordance with the plans and specifications.
6. All work shall be done in accordance with the latest edition of the Standard Specifications for Highway Construction.
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8. All work shall be done in accordance with the latest edition of the Standard Specifications for Highway Construction.
9. All work shall be done in accordance with the plans and specifications.
10. All work shall be done in accordance with the latest edition of the Standard Specifications for Highway Construction.

APPENDIX

Item	Description	Quantity	Unit
1	Grading Noise Wall	100	Linear Feet
2	Grading Noise Wall	100	Linear Feet
3	Grading Noise Wall	100	Linear Feet
4	Grading Noise Wall	100	Linear Feet
5	Grading Noise Wall	100	Linear Feet
6	Grading Noise Wall	100	Linear Feet
7	Grading Noise Wall	100	Linear Feet
8	Grading Noise Wall	100	Linear Feet
9	Grading Noise Wall	100	Linear Feet
10	Grading Noise Wall	100	Linear Feet

WALL & FENCE LOCATION PLAN

STA 253+00 TO STA 258+00

SEE DWG NO. 5-23.7

SEE DWG NO. 5-23.9

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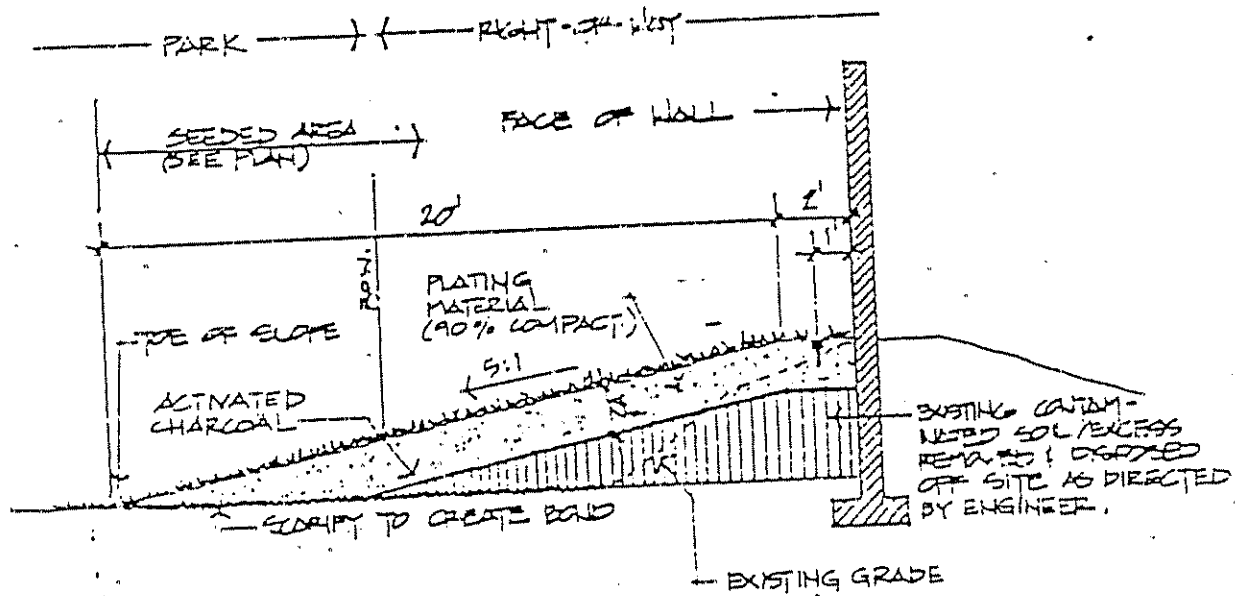
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SEE DWG NO. 5-24.00



ONTARIO

ONTARIO DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION
INTER-LOP HIGHWAY
ST. 200 TRAFFIC INTERCHANGE
SR 360
WALL & FENCE LOCATION PLAN
STA 253+00 TO STA 258+00
SEE DWG NO. 5-23.7
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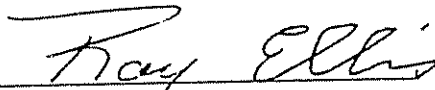
SLOPE CROSS SECTION 'A'

JPA 92-69

RESOLUTION

BE IT RESOLVED on this 8th day of June 1992, that I, CHARLES E. COWAN, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with City of Tempe for the purpose of defining responsibilities for the design, construction and maintenance of sloped berm improvements to the 101-L Junction SR-360 traffic interchange.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for CHARLES E. COWAN
Director

RESOLUTION NO. 92.59

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE STATE OF ARIZONA, DEPARTMENT OF
TRANSPORTATION

* * * * *

WHEREAS, with the construction of the Pima-Superstition Freeway Interchange, it is necessary to construct and landscape a sloped berm to construct a privacy wall which will encroach upon a portion of Ehrhardt Park, and

WHEREAS, the Arizona Department of Transportation has prepared an agreement setting forth the provisions and responsibilities for installation of said sloped berm and privacy wall, and

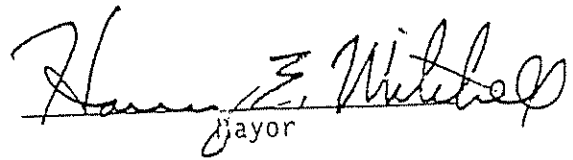
WHEREAS, the Arizona Department of Transportation will pay all costs associated with these proposed improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

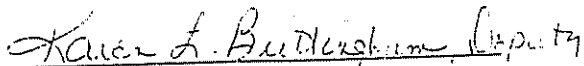
That the Mayor of the City of Tempe, hereby be authorized to execute an agreement with the Arizona Department of Transportation setting forth the provisions and responsibilities for installation and maintenance of a sloped berm and privacy wall in conjunction with the Pima-Superstition Freeway Interchange, Project No. 926448

Resolution No. 92.59
Page Two

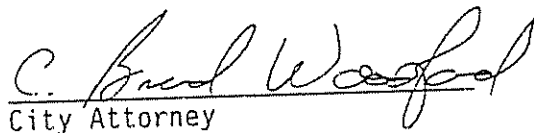
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA
this 20th day of August, 1992.


Mayor

ATTEST:


City Clerk

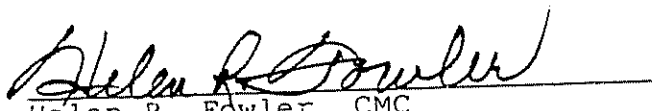
APPROVED AS TO FORM:


City Attorney

JRP:11

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the attached to be a true and exact copy of Resolution No. 92.59, passed and adopted at the Regular Council Meeting of August 20, 1992, by the Tempe City Council, Tempe, Arizona.

DATED this 11th day of September, 1992.


Helen R. Fowler, CMC
City Clerk

1,164 acres located at 750 N. Mill for a total of 1,533 acres within the project boundaries. Ken VanDoren requested that this item be removed from the consent agenda. Mr. VanDoren spoke out against this item. Councilman Plencner made a motion to approve Resolution No. 92.49; Councilman Cassano seconded the motion; motion passed 6-0.

- *39. **ARIZONA DEPARTMENT OF TRANSPORTATION (0107-01) RESOLUTION NO. 92.59** Adopted a resolution authorizing execution of (Contract #92-112) with the State of Arizona, Department of Transportation, setting forth conditions for construction and landscaping of a sloped berm and privacy wall in conjunction with the Pima-Superstition Traffic Interchange, Project No. 926448.
- *40. **COUNCIL MEETING DATES ESTABLISHED (0101-08) RESOLUTION NO. 92.60** Adopted a resolution establishing September 10, 17 & 24, October 8, 22 & 29, November 12 & 19, and December 10 & 17, 1992 as the meeting dates for the regular City Council meetings.
- *41. **LIBRARY ADMIN (0704-01) RESOLUTION NO. 92.61** Adopted a resolution (Contract #92-116) authorizing the conveyance of the bookmobile by gift from the City of Tempe to the Maricopa County Library District.
- *42. **SECTION 8 HOUSING (0207-03) RESOLUTION NO. 92.62** Adopted a resolution (Contract #92-113) to submit application to Department of Housing and Urban Development (HUD) for additional 27 units of Section 8 existing housing and authorize the execution of the annual contributions contract, if the application is approved.
- *43. **LIBRARY ADMIN (0704-01) RESOLUTION NO. 92.63** Adopted a resolution approving an intergovernmental agreement (Contract #92-114) between the Maricopa County Free Library District and the City of Tempe to participate in the reciprocal borrowing program effective July 1, 1992.
- *44. **ARIZONA DEPARTMENT OF TRANSPORTATION (0107-01) RESOLUTION NO. 92.64** Adopted a resolution authorizing execution of (Contract #92-115) with the State of Arizona, Department of Transportation, setting forth conditions for reconstruction of the Interstate 10/State Route 360 Traffic Interchange and Baseline Road/Interstate 10 Traffic Interchange, Project No. 926410.
- *45. **BOND SERVICE ADMIN (0203-01) RESOLUTION NO. 92.65** Adopted a resolution approving the substitution of a debt service reserve fund surety policy for investments contained in Reserve Fund for the 1984 Bonds issued by the City of Tempe Municipal Property Corporation; approval of City to repay any draws on surety policy; authorized execution of all documents for the transaction.

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the following to be a true and exact excerpt of the Minutes of the Regular City Council Meeting of August 20, 1992, by the Tempe City Council, Tempe, Arizona.


Helen R. Fowler, CMC, City Clerk

DATED this 11th day of September, 1992.

F. MISCELLANEOUS DEPARTMENTAL REPORTS

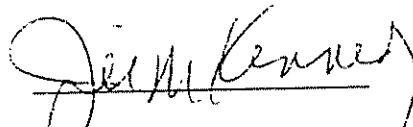
- *46. Community Services Department Status Report - June, 1992

JPA 92-69

APPROVAL OF THE TEMPE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF TEMPE, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 14th day of Sept, 1992.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR92-1449-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29th day of September, 1992.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

7738G/24